REMARKS

STATUS OF CLAIMS

Claims 1-20 have been pending.

Claims 18 and 19 are withdrawn.

Claim 20 is rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite or failing to particularly point out and distinctly claim the subject matter.

Claims 1, 2, 10-13, 15-17 and 20 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Bernstein, U.S. Patent Publication No. 2002/0107730, hereinafter "Bernstein."

Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bernstein.

Claims 3-8 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bernstein, in view of Herz, U.S. Patent No. 5,754,938, hereinafter "Herz."

In accordance with the foregoing, the claims are amended, claims 2, 3 and 7 are cancelled without prejudice or disclaimer and claim 21 is added, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

35 U.S.C. § 112, SECOND PARAGRAPH REJECTION:

The Office Action, at item 1, rejects claim 20 under 35 U.S.C. § 112, second paragraph, asserting: "This is unclear. The claim requires only one of the 2 limitations, and in the next step requires both."

In accordance with the foregoing, claim 20 is amended, taking into consideration the Examiner's comments. Applicants respectfully submit that claim 20 complies with the requirements of 35 U.S.C. §112, second paragraph. Accordingly, withdrawal of the claim rejection is respectfully requested.

CLAIM REJECTIONS:

The independent claims are 1, 14-17 and 20.

In accordance with the foregoing, claim 1, for example, is amended to include the

features of dependent claim 3, and to recite, in part: "modifying the first user identifier into a second user identifier by which the second provider identifies the user and providing the read out second product information and the second user identifier to the second provider; and providing the read out second product information on said second product to the user identified with the ~~first~~ second user identifier." Support for the claim amendment can be found, for example, in the specification at, for example, page 26, lines 5-11.

The Office Action, in rejecting claim 3, acknowledges "Berstein doesn't specify the identifier as varying for each merchant." The Office Action relies upon the Abstract of Herz to disclose the same.

Herz, at the Abstract, recites, in part: "Additionally, a cryptographically-based pseudonym proxy server is provided to ensure the privacy of a user's target profile interest summary, by giving the user control over the ability of third parties to access this summary and to identify or contact the user." In other words, Herz discusses a pseudonym proxy server.

FIG. 14 of Herz "illustrates in flow diagram from the use of the pseudonym server" (see column 8, lines 32-33 of Herz). Steps 1400-1402 of FIG. 14, which do not appear to have a corresponding description in the specification of Herz, describe the steps of "user generates a pseudonym 1400," "pseudonym is encrypted 1401," and "user selects service provider identifier 1402." In other words, in Herz, the user generates the pseudonym, encrypts the generated pseudonym and selects the service provider which the pseudonym will be used for.

Herz further discusses, at column 32, lines 51-65:

> **Our combined method allows a given user to use either a single pseudonym in all transactions where he or she wishes to remain pseudonymous, or else different pseudonyms for different types of transactions**. In the latter case, each service provider might transact with the user under a different pseudonym for the user. More generally, a coalition of service providers, all of whom match users with the same genre of target objects, might agree to transact with the user using a common pseudonym, so that the target profile interest summary associated with that pseudonym would be complete with respect to said genre of target objects. When a user employs several pseudonyms in order to transact with different coalitions of service providers, the user may freely choose a proxy server to service each pseudonym; these proxy servers may be the same or different.

In other words, Herz discusses that the user can choose to use a single pseudonym for all transactions or that the user can uses different pseudonyms for different types of transactions.

Furthermore, Herz at colum 32, line 66 to column 33, line 11, recites:

> **From the service provider's perspective, our system provides**

security, in that it can guarantee that users of a service are legitimately entitled to the services used and that no user is using multiple pseudonyms to communicate with the same provider. This uniqueness of pseudonyms is important for the purposes of this application, since the transaction information gathered for a given individual must represent a complete and consistent picture of a single user's activities with respect to a given service provider or coalition of service providers; otherwise, a user's target profile interest summary and user profile would not be able to represent the user's interests to other parties as completely and accurately as possible.

That is, Herz discusses that a user can create a pseudonym that a service provider will recognize to correspond to the user.

Applicants respectfully submit that Herz fails to disclose, either expressly or implicitly, the claimed "modifying the first user identifier into a second user identifier by which the second provider identifies the user and providing the read out second product information and the second user identifier to the second provider; and providing the read out second product information on said second product to the user identified with the ~~first~~ second user identifier," because Herz merely discusses a user generating a pseudonym and choosing which service provider will recognize the pseudonym.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Bernstein and Herz, because there is no evidence that one skilled in the art would combine Berstein and Herz and modify the combination of Berstein and Herz to include the claimed "**modifying the first user identifier into a second user identifier** by which the second provider identifies the user and providing the read out second product information and the second user identifier to the second provider; and providing the read out second product information on said second product to the user identified with the ~~first~~ second user identifier," as recited, for example, in claim 1, and seen the benefit of promoting marketing or products on a network while protecting the users privacy, because neither Berstein nor Herz discloses "**modifying** the first user identifier into a second user identifier."

Applicants respectfully submit that independent claims 14-17 and 20 patentably distinguish over the cited references for similar reasons as independent claim 1.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of pending claims, and allowance of pending claims is respectfully requested.

NEW CLAIM:

New dependent claim 21 is directed to a marketing method set forth in claim 1, including:

determining, after a fixed period of time, whether the second product has been selected by the user identified with the second user identifier; and

deleting, if the second product has not been selected by the user identified with the second user identifier, the second user identifier.

Support for new dependent claim 21 can be found, for example, in the Application specification at page 32, line 22 to page 33, line 20 and FIG. 15.

Applicants respectfully submit that dependent claim 21 recites patentably distinguishing features of its own or is at least patentably distinguishing due to their dependence from independent claim 1.

CONCLUSION

It is respectfully submitted that the foregoing has clearly distinguished the pending claims over the references and rejections of record.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: _December 20, 2009_   By: _____

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